

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ERIN PAPKEE,)	
)	
Plaintiff)	
v.)	
)	No. 2:20-cv-00006-DBH
MECAP LLC, d/b/a MILK)	
STREET CAPITAL, and)	
SCOTT LALUMIERE,)	
)	
Defendants)	

**ORDER FOR SERVICE BY PUBLICATION
(Fed. R. Civ. P. 4 and Me. R. Civ. P. 4(g))**

In this action (i) alleging violations of the Fair Labor Standards Act of 1938 (“FLSA”), 29 U.S.C. § 201 *et seq.*, and the Maine Whistleblowers’ Protection Act (“WPA”), 26 M.R.S.A. § 831 *et seq.*, (ii) seeking unpaid wages pursuant to 26 M.R.S.A. § 664, and (iii) alleging tortious interference with a valid contract or prospective economic advantage, *see* Complaint, Jury Trial Requested, Injunctive Relief Requested (“Complaint”) (ECF No. 1) ¶¶ 1, 133-44, plaintiff Erin Papkee has timely filed a proposed order for service by publication on defendant Scott Lalumiere in accordance with my May, 7, 2020, decision and order granting her request for such service with modifications, *see* Memorandum Decision and Order on Motion for Service by Publication (“May 7 Decision”) (ECF No. 8); Notice to Court with Proposed Order (ECF No. 9) & [Proposed] Order for Service by Publication (ECF No. 9-1), attached thereto.

I **FIND** that the following steps, in addition to those previously undertaken by the plaintiff to notify Mr. Lalumiere of the pendency of this suit, are reasonably calculated to provide actual notice of its pendency to Mr. Lalumiere and are the most practical manner of effectuating notice

of this suit: service by publication, coupled with mailing via First Class U.S. Mail of the May 7 Decision, this Order, and the summons and Complaint to (i) Mr. Lalumiere's last known address on Veranda Street in Portland, Maine, (ii) Mr. Lalumiere's mother's address, and (iii) Attorney Richard Olson, as well as emailing those same documents to Attorney Olson. Therefore,

It is **ORDERED** that service be made upon Mr. Lalumiere by publishing a copy of this Order once a week for three (3) consecutive weeks in the *Portland Press Herald*, a newspaper of general circulation in Cumberland County, State of Maine, and its corresponding online legal notices database, and that the plaintiff mail and email the May 7 Decision, this Order, and the summons and Complaint as set out above.

It is **FURTHER ORDERED** that Mr. Lalumiere appear and serve an answer to the Complaint within forty-one (41) days after the first publication of this Order in the newspaper, failing which a judgment by default may be entered granting relief sought in the Complaint.

SO ORDERED.

Dated this 14th day of May, 2020.

/s/ John H. Rich III
John H. Rich III
United States Magistrate Judge